



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: General Administration

- ☒ Preproposal Statement of Inquiry was filed as WSR 04-10-112 ; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_ ; or  
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice  
☐ Supplemental Notice to WSR \_\_\_\_\_  
☐ Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject)

WAC 236-12-470: Prohibiting access to state capitol buildings and grounds while armed with dangerous weapons or with devices used to disrupt state business.

**Hearing location(s):**

General Administration Building  
Auditorium  
210 Columbia Street, Olympia, WA 98504

**Submit written comments to:**

Name: Dave Schilperoort  
Address: PO Box 41019, Olympia, WA 98504-1019

e-mail Dschilp@ga.wa.gov  
fax ( ) \_\_\_\_\_ by (date) November 10, 2004

Date: October 27, 2004 Time: 5:30 p.m. - 7:30 p.m.

**Assistance for persons with disabilities: Contact**

Sarah Purce, by October 22, 2004

TTY (360) 664-3799 or (360) 902-0975

Date of intended adoption: December 1, 2004

(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The department has granted a rulemaking petition to amend WAC 236-12-470 relating to carrying firearms on state capitol grounds. The proposed amendment will repeal the prohibition against a person with a concealed pistol license from carrying a firearm on state capitol grounds. The effect will be that a person with a valid concealed pistol license may carry a firearm on state capitol grounds in accordance with the provisions of Chapter 9.41 RCW.

**Reasons supporting proposal:**

Chapter 9.41 RCW governs the regulation of firearms. RCW 9.41.290, enacted several years after General Administration adopted WAC 236-12-470, pre-empted the field of firearms regulations. As a result, portions of WAC 236-12-470 are inconsistent with statute with regard to a person's authority to carry a firearm if they have a valid concealed pistol license. The proposed amendment to WAC 236-12-470 corrects this inconsistency.

**Statutory authority for adoption:**

RCW 43.19.011, 43.19.125, and 46.08.150

**Statute being implemented:**

RCW 43.19.125 and 46.08.150, Chapter 9.41 RCW

**Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

**DATE**

September 14, 2004

**NAME (type or print)**

R. D. Fukai

**SIGNATURE****TITLE**

Director

**CODE REVISER USE ONLY**CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

SEP 14 2004

TIME

4:43

WSR

04-19-057

AM  
PM

(COMPLETE REVERSE SIDE)



**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

The Washington State Patrol provides law enforcement for the state capitol grounds and will be consulted throughout the rule development and implementation process. In addition, General Administration's Chief of Security will consult with members of the Legislative Security Committee and other building tenants on implementation matters relative to the Legislative Building.

**Name of proponent:** (person or organization) General Administration

- ☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Dave Schilperoort, GA	1058 Capitol Way South, Olympia, WA 98504	(360) 902-0944
Implementation..... Bill Moore, GA	1058 Capitol Way South, Olympia, WA 98504	(360) 902-0951
Enforcement..... Lowell Porter, WSP	210 Columbia Street, Olympia, WA 98504	(360) 753-6545

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_  
fax ( ) \_\_\_\_\_  
e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

The rule involves rights of individuals, not businesses. There is no cost to businesses.

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_  
fax ( ) \_\_\_\_\_  
e-mail \_\_\_\_\_

☒ No: Please explain:

Per RCW 34.05.328(5)(a)(ii) the department has elected not to make this rule subject to the provisions of RCW 34.05.328



# PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05 120)

Do NOT use for expedited rule making

Agency: General Administration

Proposed statement of inquiry was filed as WSR 99-19-022

Original version

AMENDATORY SECTION (Amending WSR 99-19-022, filed 9/7/99, effective 10/8/99) under RCW 34.05 120

Continuation of WSR

Title of rule and other identifying information (Describe briefly)

WAC 236-12-470 Prohibiting access to state capitol buildings and grounds while armed with dangerous weapons or with devices used to disrupt state business. (1) No person shall carry any firearm or other dangerous weapon as described in chapter 9.41 RCW on the state capitol grounds or in any building on the state capitol grounds: Provided, That this regulation shall not apply to duly authorized federal, state, and local law enforcement officers or to any federal, state, and local government employee authorized to carry firearms in the course of their public employment; ((~~nor shall any~~)) and: Provided, That a person with a valid Washington state concealed pistol license may carry a firearm in accordance with chapter 9.41 RCW.

(2) No person may carry into any building on the state capitol grounds any voice-amplification equipment, blow horns, sirens, or other similar noise-producing devices which may be used to disrupt the conduct of state business by state employees. (b) 99-19-022

Purpose of the proposal and its anticipated effects, including any changes to existing rules:

The Department has granted a rehearing petition to amend WAC 236-12-470 relating to carrying firearms on state capitol grounds. The proposed amendment will repeal the prohibition against a person with a concealed pistol license from carrying a firearm on state capitol grounds. The effect will be that a person with a valid concealed pistol license may carry a firearm on state capitol grounds in accordance with the provisions of Chapter 9.41 RCW.

Reasons supporting proposal:

Chapter 9.41 RCW governs the regulation of firearms. RCW 9.41.290, enacted several years after General Administration adopted WAC 236-12-470, preemped the field of firearms regulation. As a result, portions of WAC 236-12-470 are inconsistent with state law with regard to a person's ability to carry a firearm if they have a valid concealed pistol license. The proposed amendment to WAC 236-12-470 resolves this inconsistency.

Statute authority for adoption:

RCW 99-19-022, 19-123, and 19-08150

Statute being implemented:

RCW 43.19.123 and 46.08.150, Chapter 9.41 RCW

Is rule necessary because of a:

Federal Law? ☐ Yes ☒ No  
Federal Court Decision? ☐ Yes ☒ No  
State Court Decision? ☐ Yes ☒ No  
If yes, CITE:

CODE REVISOR USE ONLY

DATE

Signature (by title)

NAME (print name)

A.D. File

Signature

DATE

Office